

DEFAULT DIVORCE WITHOUT CHILDREN

(CHECKLIST)

Use the forms and instructions in this packet ONLY if the following factors apply to your situation:

- ✓ You have filed a petition for divorce, AND
- ✓ You and your spouse have no children with each other AND the wife is not pregnant by the husband, AND
- ✓ You served your spouse with the court papers. The affidavit proving the type and date of service has been filed with the Clerk of the Court, AND
- ✓ Your spouse did not file a written Response within the time frame set by law. (You can check the court file to be sure this is true), AND
- ✓ You want to get a default hearing and default divorce.

If you are not sure that these forms and instructions apply to your situation, see a lawyer for help.

Requirement for default:

- If your spouse has filed a written response with the court to the divorce petition within the time allowed by law, you cannot get a divorce through a default and you will need to prepare for trial.
- If you want to get a default hearing, you must complete the Application for and Affidavit of Default, and file it with the Clerk of the Court. You must be sure service of process was complete, and that your spouse did not file a written Response with the Court.
- After the Clerk enters the default, be sure you have 2 copies stamped by the Clerk. You must mail or hand-deliver one copy to your spouse the day that you filed the Application for and Affidavit of Default with the Clerk of the Court.
- If your spouse still does not file a written Response within 10 days, you will receive a hearing date by notice from the Court, or, if applicable, you can file a Motion and Affidavit for Default Decree without a Hearing. If after 30 days you have not received a hearing date, please call (928) 402-8676.